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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,571	11/21/2003	Koji Shigemura	1670.1020	9396

49455 7590 06/01/2007  
STEIN, MCEWEN & BUI, LLP  
1400 EYE STREET, NW  
SUITE 300  
WASHINGTON, DC 20005

EXAMINER
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LIN, JAMES

ART UNIT	PAPER NUMBER
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1762

MAIL DATE	DELIVERY MODE
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06/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No.	Applicant(s)	
	10/717,571	SHIGEMURA, KOJI	
	Examiner	Art Unit	
	Jimmy Lin	1762	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 112, 1<sup>st</sup> paragraph.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Box 11:

Applicant's arguments, see pg. 6, filed 5/23/2007, with respect to claims 14-19 and 21-22 have been fully considered and are persuasive. The 35 U.S.C. 112, first paragraph rejection (i.e., the rejection regarding the first and second flat surfaces) of the claims has been withdrawn.

Applicant's arguments filed 5/23/2007 have been fully considered but they are not persuasive.

The Applicant argues on pg. 7 that the teaching of laser welding provide support for "wherein the flat frame and the flat mask are the only elements that touch the flat mask". However, such a limitation can be met if the frame and mask were clamped together without any sort of welding. The present specification does not provide any support for clamping. If the Applicant intends to claim laser welding, then the Applicant is advised to explicitly claim laser welding.

The Applicant argues on pg. 9 that the Examiner has not identified anything whatsoever in Martin or elsewhere in the prior art that would have motivated one of ordinary skill in the art to eliminate the raised boss member 98 and clamping member counterbore 94 in Fig. 7. However, the rejection relies on the obviousness of using the welding of the embodiment of Figs. 1-6 in place of the clamping used in the embodiment of Fig. 7. The raised boss member is only required with the use of clamping. Thus, one of ordinary skill would have recognized that such portions are no longer required when the clamping method is no longer being used. See, e.g., 2144.II.A.

The Applicant argues on pg. 10 that there is simply no suggestion to grind off the raised boss member 98 of the clamping member 88 so that the clamping member 88 has a flat surface. However, one of ordinary skill would have used any known method to make the modification and is not limited to just grinding off unnecessary portions because the claims encompass any method.

The Applicant argues on pg. 10 that the Examiner does not provide "a flat frame supporting the first flat surface of the flat mask so that the flask mask is tensed and the first flat surface remains flat" as recited in claim 14 because the mask supporting frame 34 has a raised edge 38 and this is not "a flat frame" as recited in claim 14. However, one of ordinary skill in

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the art would have recognized that the raised ridge is also used as part of the clamping mechanism and would have omitted such a feature with the knowledge of losing the clamping function (i.e., for the same reason as omitting the raised boss member) because the rejection relies on the obviousness of replacing the clamping method with a welding method, as discussed above. The omission of the raised edge is obvious in view of the obviousness to remove the raised boss member as recited in the rejection.

The Applicant argues on pg. 10 that the substitution of the clamping method for a welding method would change the principle operation of the embodiment in Fig. 7. However, one of ordinary skill in the art would have expected similar results using either method because both methods are used to maintain a predetermined tension in the mask.

The Applicant argues on pg. 12 that Figs. 1-6 teach affixing the metal foil to the mask supporting frame using welding *but without using the clamping member* which is used in Fig. 7 and that Fig. 7 teaches affixing the metal foil to the mask supporting frame using the clamping member *but without using the welding* which is used in Figs. 1-6. However, Martin never teaches such exclusions. Martin merely teaches that the clamping method and welding method are alternatives, but never teaches away from using such methods in the same embodiment. Nevertheless, the rejection is only based on the use of welding. As stated above, the welding method is used to replace the clamping method.

The Applicant argues on pg. 13 that Martin's mere disclosure of a "substantially uniform tension" would not have suggested to one of ordinary skill in the art the desirability of providing the feature "wherein the flat mask is tensed with different tensions at different points on each of a plurality of sides of the flat mask" recited in dependent claim 21. However, the teaching of "substantially uniform tension" would have suggested to one of ordinary skill in the art that the tension of the mask does not have to be completely and equally uniform. One of ordinary skill in the art would have been led to apply a tension as uniform as possible without the extra effort to make the tension perfectly uniform. Thus, the mask would have slightly different tensions applied on different sides, thereby meets the limitations of the claim.

The Applicant argues on pg. 16 that MPEP 2144.06 states that an express suggestion to substitute for another is not required to render such substitution obvious, rather than an express motivation as alleged by the Examiner. However, an express suggestion is comprehensive of an

express motivation, since the motivation would require such suggestion. Thus, a motivation would require more evidence for support than a suggestion.

The Applicant argues on pg. 16 that while an express suggestion to substitute one equivalent for another is not required to render such substitution obvious, there still must be something in the applied reference or references that would have suggested the desirability of the substitution to one of ordinary skill in the art. However, both the registration members of Martin and the alignment marks of Fujimori are used for the same purpose of aligning the mask to a substrate. Thus, the alignment methods are equivalents. The knowledge that such are equivalents is enough to render a substitution of alignment methods obvious.

The Applicant argues on pg. 17 that the Examiner has not identified anything whatsoever in Martin and Fujimori or elsewhere in the prior art that recognizes that Martin's alignment method and Fujimori's alignment method are equivalents. However, Martin and Fujimori teach that both methods are used for the same purpose of aligning a mask to a substrate. One of ordinary skill in the art would have recognized that such methods are equivalents by merely looking at the two references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy Lin whose telephone number is 571-272-8902. The examiner can normally be reached on Monday thru Friday 8AM - 5:30PM.

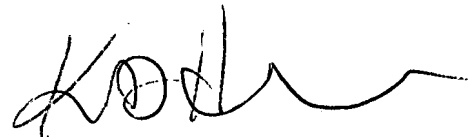
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'KH', with a long, horizontal, wavy line extending to the right.

**KEITH HENDRICKS**  
**PRIMARY EXAMINER**